UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

June 7, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2004-519-1
Port Alexander

Attn: John Klutz

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Anissa Berry-Frick to construct a 22-foot by 12-foot float and a 9.5 foot by 13-foot ramp for use as a private float plane and boat moorage dock in Port Alexander. The floating dock will be anchored using 1 inch chain attached to two 55 gallon drums filled with rebar and concrete.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The inshore area of the project location provides important habitat for several marine species including Pacific cod, arrowtooth flounder, Pacific ocean perch, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish and sculpins.

We offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen- sulfur- or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. Pentachlorophenol has high chronic toxicity to aquatic life.
2. Alternatives to treated wood that have no or reduced toxicity should be used wherever practicable.
3. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. These include, but are not limited to: Chromated

Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). The applicant should only use wood that has been treated in accordance with best management practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material occur on the wood.

4. Over-water structures should be designed to prevent abrasion and splintering of wood.
5. All cutting and boring of treated wood should take place in upland areas; all waste materials must be kept out of the aquatic environment and be properly disposed of upland. Treated wood materials should not be stored in-water. Any cut wood, chips or sawdust from treated wood should be collected promptly and disposed of at an acceptable upland site.
6. No docks, ramps or other structures should be placed in or over eelgrass beds.
7. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
8. No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating salmon.
9. No portion of the float may ground at any tidal stage.
10. Reasonable precautions be taken to prevent accidental discharge of petroleum products. An dock-side emergency oil spill response kit or other appropriate equipment should be made available to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH recommendations in writing within 30 days. If the Corps will not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any further questions, please contact Cindy Hartmann at 907-586-7585.

Sincerely,

Arnold J. Berg

For James W. Balsiger
Administrator, Alaska Region

cc: Anissa Berry-Frick, Applicant, PO Box 8118, Port Alexander, Alaska
Chris Meade, EPA Juneau
Janet Schempf, ADF&G
Richard Enriquez, USFWS, Juneau
ADNR-OHMP, Juneau
ADNR-OPMP, Juneau

References:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife. http://wdfw.wa.gov/hab/ahg/overwatr.htm